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**Counsel for Plaintiff Jonathan Fischer and
[Proposed] Co-Lead Counsel for Plaintiffs**

[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

FRED JEAN, Individually and on
Behalf of All Others Similarly
Situating,

Plaintiff,

STEC, INC., MANOUCH
MOSHAYEDI and MARK
MOSHAYEDI,

Defendants.

CASE NO. SACV 09-1304 JVS (MLGx)

CLASS ACTION

**NOTICE OF MOTION AND MOTION
OF JONATHAN FISCHER FOR
APPOINTMENT AS LEAD
PLAINTIFF AND FOR APPROVAL
OF HIS SELECTION OF CO-LEAD
COUNSEL**

Date: February 22, 2010

Time: 1:30 p.m.

Ctrm: 10C

Judge: Honorable James V. Selna

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that on February 22, 2010, at 1:30 p.m., in the
3 Courtroom of the Honorable James V. Selna, Courtroom 10C, United States District
4 Court for the Central District of California, Southern Division, 411 West Fourth
5 Street, Santa Ana, California 92701-4516, Plaintiff Jonathan Fischer ("Movant")
6 will, and hereby does, move this Court pursuant to §21D(a)(3)(B) of the Securities
7 Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. §78u-4(a)(3)(B), for an
8 Order to (i) appoint Movant as Lead Plaintiff in this action pursuant to
9 §21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B); (ii) approve
10 Movant's selection of the law firms of Weiss & Lurie and Stull, Stull & Brody to
11 serve as Co-Lead Counsel for the plaintiff class pursuant to 15 U.S.C. §78u-
12 4(a)(3)(B)(v); and (iii) grant such other and further relief as the Court may deem just
13 and proper.

14 This motion is made on the grounds that Movant is the "most adequate
15 plaintiff" pursuant to the Exchange Act. *See* 15 U.S.C. §78u-4(a)(3)(B). This
16 motion is based upon this Notice of Motion and Motion, the Memorandum of Points
17 and Authorities and the Declaration of Leigh A. Parker in support thereof filed
18 concurrently, the pleadings and files herein and such other written or oral argument
19 as may be presented to the Court.

20 Movant is mindful of Local Rule ("LR") 7-3, which requires a pre-filing
21 conference of counsel, but respectfully submits that an effective conference of all
22 counsel in the context of motions for lead plaintiff is impossible as Movant has no
23 way of knowing which other shareholders, if any, may move for appointment as
24 Lead Plaintiff until after all movants have filed their respective motions. In
25 addition, Movant submits that LR 7-3 may be inapplicable to motions for
26 appointment of Lead Plaintiff and approval of Lead Counsel because such motions
27 are mandated by federal statute. Section 21D of the Exchange Act, as amended by
28 the Private Securities Litigation Reform Act of 1995, sets forth the procedure that

1 must be followed for the selection of Lead Plaintiff and approval of Lead Counsel.
2 *See* 15 U.S.C. §78u-4, *et seq.* Under these circumstances, Movant respectfully
3 submits that the conference requirement of LR 7-3 does not apply to this motion.
4

5 DATED: January 5, 2010

6 /s/ - Leigh A. Parker

Jordan L. Lurie

Leigh A. Parker

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